

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
May 10, 2005

**D044719        In re Robert P. et al., Juveniles**  
**D045627        Robert P. v. Superior Court of San Diego County/San Diego County Health**  
**and Human Services Agency**  
(Consolidated) The request for publication of the opinion is denied.

**D045447        In re Marilee L. et al., Juveniles**  
The judgment is affirmed. Irion, J.; We Concur: McIntyre, Acting P.J., Aaron, J.

**D044762        People v. Jones**  
The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Benke, J.

**D044031        People v. Clutter**  
The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

**D046361        Millard v. Superior Court of Orange/People**  
The petition is denied.

**D044101        People v. Viel**  
The petition for rehearing is denied.

**D045827        In re Viel on Habeas Corpus**  
The petition for rehearing is denied.

**D045879        Leandra G. v. Superior Court of San Diego County/San Diego County**  
**Health and Human Services Agency**  
The petition is denied. Huffman, Acting P.J.; We Concur: Nares, J., Haller, J.

**D044319        People v. Nero**  
The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., Haller, J.

**D044940        People v. Maltese**  
The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Aaron, J.

**D045844        Gregory S. et al. v. Superior Court of San Diego County/San Diego County**  
**Health and Human Services Agency**  
The petitions are denied. Haller, J.; We Concur: McConnell, P.J., Nares, J.

**D044427        People v. Rosenow**  
The judgment is modified by striking the conviction of grand theft (Pen. Code section 487, subd. (a)). As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections. Aaron, J.; We Concur: Nares, Acting P.J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
May 10, 2005 (Continued)

**D044973        In re Joshua G. et al Juveniles**

The judgments are affirmed. Certified for Partial Publication. Huffman, J.; We Concur: Benke, Acting P.J., Haller, J.

**D043571        People v. Tanner**

The judgment is reversed and the cause is remanded to the trial court for further proceedings consistent with this opinion. CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: Benke, Acting P.J., Aaron, J.

**D045291        In re Jenna R., a Juvenile**

The order is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

**D046296        Pina v. Superior Court of San Diego County/People**

The petition is denied.

Court convened at 9 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Richard Huffman  
Clerk: D. Moore

**D044362        Milhous et al. v. Franchise Tax Board**

Cause called on merits. Leslie Branman-Smith, Deputy Attorney General argued for appellant. Paul Douglas Draper, Esq. argued for respondent. Ms. Smith replied. Cause submitted.

**D043058        Milhous et al. v. Franchise Tax Board**

Cause called on merits. Leslie Branman-Smith, Deputy Attorney General argued for appellant. Jeffrey S. Baird, Esq. argued for respondent. Ms. Smith replied. Cause submitted.

**D044211        Forensis Group Inc., et al. v. Frantz, Townsend & Foldenauer et al.**

Cause called on merits. Clark R. Hudson, Esq. argued for appellant, Robbins. Mark Kane, Esq. argued for appellant, Forensis Group, Inc. Roger P. Bingham, Esq. argued for respondent, Frantz, Townsend. Mr. Hudson replied. Mr. Kane replied. Cause submitted.

Court recessed at 10:09 a.m. until 11 a.m.

Court reconvened at 11 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Terry O'Rourke

**D045374        Chapman et al. v. Superior Court/Malcolm-RPI**

Matter called on merits. Earl Pott, Esq. argued for petitioner. Chuck Sevilla, Esq. argued for real party in interest, Malcolm. Dan L. Stanford, Esq. was present in oral argument, but did not argue. Mr. Pott replied. Matter submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
May 10, 2005 (Continued)

**D045194        In re Owens on Habeas Corpus**

Matter called on merits. Athena Shudde, Esq. argued for petitioner. James D. Dutton, Deputy Attorney General argued for respondent. Ms. Shudde replied. Matter to be submitted at a later date.

Court recessed at 12:27 p.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald  
Clerk: D. Moore

**D044615        Valencia v. Suros et al.**

Cause called on merits. Denise H. Greer, Esq. argued for appellant. Cynthia R. Chihak, Esq. argued for respondent. Ms. Greer replied. Cause submitted.

Court recessed at 2 p.m. to change panel members. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

**D044037        People v. Gonzalez**

Cause called on merits. David M. McKinney, Esq. argued for appellant. Janelle Boustany, Deputy Attorney General argued for respondent. Cause submitted.

Court recessed at 2:29 p.m. until 3 p.m.

Court reconvened at 3 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

**D043940        People v. Lo**

Cause called on merits. Janice R. Mazur, Esq. argued for appellant. Lilia Garcia, Deputy Attorney General argued for respondent. Ms. Mazur replied. Cause submitted.

Court recessed at 3:30 p.m. to change panel members: New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

**D042704        People v. Kennell et al.**

Cause called on merits. Patricia J. Ulibarri, Esq. argued for appellant, Kennell. Marianne Harguindeguy, Esq. argued for appellant, Grlicky. Lilia Garcia and Lynne McGinnis, Deputy Attorney General argued for respondent. Ms. Harguindeguy replied. Cause submitted.

Court recessed at 3:56 p.m. until Wednesday, May 11, 2005 at 9 a.m.